

# Sexual Assault Prevention and Response (SAPR)

## Commanders' Quick Reference

**Purpose** — Sexual assault is one of the most under-reported crimes. The prevailing reason for not reporting is the victim's desire for privacy; they don't want anyone to know about it. Instead of seeking medical help and/or counseling, most victims were "living with it" in silence, oftentimes with negative consequences to both their physical and mental health. In this light, the Army developed a program that focuses on victim care, providing advocacy services on a confidential basis while giving the victim control over the release of information as well as a choice in the investigative process.

The SAPR Program is available to any DoD Component and members of the National Guard while in a duty status. However, the SARC can provide resource information to anyone regardless of status.

**Definition** — Sexual Assault is a crime. It is defined as intentional sexual contact, characterized by use of force, threats, intimidation, abuse of authority, or when the victim does not or cannot consent. Sexual assault includes rape, forcible sodomy (oral or anal sex), and other unwanted sexual contact that is aggravated, abusive, or wrongful (to include unwanted and inappropriate sexual contact), or attempts to commit these acts. "Consent" means words or overt acts indicating a freely given agreement to the sexual conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the accused's use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating relationship by itself or the manner of dress of the person involved with the accused in the sexual conduct at issue shall not constitute consent.

Not sure if an incident is an assault? Call the SARC. Any discussions outside the Restricted reporting chain could deny a victim the option of Restricted Reporting.

**Training** — All Soldiers are required to have 1 hour of SAPR training annually, and the training rosters forwarded to the JFHQ Sexual Assault Response Coordinator (SARC) in order to be accurately reported to NGB. Training should be conducted by the SARC or a Victim Advocate (VA). Pre- and Post-Deployment briefings are required upon mobilization. All Soldiers must be trained on the SAPR Program, and at a minimum must understand the reporting options and have the phone numbers of the SARC and/or their unit VA if applicable.

Need assistance meeting training requirements? Call the SARC. Help is available.

**Unit Requirements** — Battalion sized units (or their equivalent) must have 2 trained unit VAs. This requires a 40-hour DoD approved initial training and an 8-hour annual refresher training. Brigade sized units must also have a Deployable SARC assigned. This Soldier functions as a VA until deployed and then functions as a SARC while in theater.

Have questions on assigning VAs or getting them trained? Call the SARC. There are several training options available.

**Reporting Options** - Soldiers who are victims of sexual assault have the option of Restricted or Unrestricted Reporting. There is no time limit – a report can be filed at any time, but for the purpose of evidence collection, sooner is better.

**Restricted Reporting** is available when a Soldier has a desire to seek medical attention and/or counseling, but does not wish to initiate an investigation. This is only available when the Soldier reports to the SARC or VA, Chaplain, or healthcare personnel. Based on the victim's duty status at the time of the assault, the SARC can assist the victim in receiving required services. Even if the victim is in a civilian status, the SARC/VA can provide referrals to civilian service providers. Once a Restricted Report is filed, the victim can change to an Unrestricted Report at a later date if they wish to pursue an official investigation.

**Unrestricted Reporting** occurs when a victim reports to any other entity than those listed above. The command and law enforcement officials are notified and the investigation process is initiated, in addition to the provisions of Restricted Reporting. Once an Unrestricted Report is filed, the option of filing a Restricted Report is forfeited. You can't "un-ring the bell".

## **Commander's Checklist in the Event of a Sexual Assault**

1. Call the SARC. Available 24/7/365 at (904) 482-2347. They will advise you on who else should be in the reporting chain. Any disclosure of information should be limited to those with a legitimate need to know.
2. Encourage the victim to get a medical examination immediately. They should not bathe or change their clothes.
3. Make appropriate administrative and logistical coordination for movement of the victim to receive care. Involve the minimum number of personnel possible and only on a need to know basis.
4. Notify local law enforcement.
5. Ensure the victim is made aware of, and encouraged to exercise, their options during each phase of the medical, investigative, and legal processes.
6. Confer with SJA to consider legal options and responsibilities.
7. Determine the best course of action for separating the victim and the alleged offender during the investigation.
8. Update the status of the victim and alleged offender within 14 calendar days and on a monthly basis thereafter, to the next higher-level commander as appropriate.
9. Initiate follow-up with the victim within 45 days after disposition of the case.